

REFERENCE TITLE: legislature; designated seat

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HCR 2020

Introduced by
Representative Crump, Senator Gorman: Representatives Barto, Burges,
Clark, DeSimone, Farley, McLain, Pearce, Tobin, Yarbrough

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV,
PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO DESIGNATION OF
LEGISLATIVE SEATS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article IV, part 2, section 1, Constitution of Arizona, is proposed
4 to be amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 1. Senate: house of representatives: members: special
7 session on petition of members: congressional and
8 legislative boundaries; citizen commissions

9 Section 1. (1) (a) The senate shall be composed of one
10 member elected from each of the thirty legislative districts
11 established pursuant to this section.

12 (b) The house of representatives shall be composed of two
13 members elected from each of the thirty legislative districts
14 established pursuant to this section. BEGINNING WITH THE
15 INAUGURATION OF THE MEMBERS OF THE FORTY-NINTH LEGISLATURE IN
16 2009, THE SEATS FOR THE HOUSE OF REPRESENTATIVES FROM EACH
17 LEGISLATIVE DISTRICT SHALL BE DESIGNATED "A" AND "B" IN THE
18 ALPHABETIC ORDER OF THE SURNAMES, THEN FIRST NAMES, OF THE
19 MEMBERS ELECTED TO REPRESENT THAT DISTRICT. THEREAFTER,
20 CANDIDATES FOR THE HOUSE OF REPRESENTATIVES SHALL RUN FOR EITHER
21 SEAT "A" OR SEAT "B" IN A LEGISLATIVE DISTRICT.

22 (2) Upon the presentation to the governor of a petition
23 bearing the signatures of not less than two-thirds of the
24 members of each house, requesting a special session of the
25 legislature and designating the date of convening, the governor
26 shall promptly call a special session to assemble on the date
27 specified. At a special session so called the subjects which
28 may be considered by the legislature shall not be limited.

29 (3) By February 28 of each year that ends in one, an
30 independent redistricting commission shall be established to
31 provide for the redistricting of congressional and state
32 legislative districts. The independent redistricting commission
33 shall consist of five members. No more than two members of the
34 independent redistricting commission shall be members of the
35 same political party. Of the first four members appointed, no
36 more than two shall reside in the same county. Each member shall
37 be a registered Arizona voter who has been continuously
38 registered with the same political party or registered as
39 unaffiliated with a political party for three or more years
40 immediately preceding appointment, who is committed to applying
41 the provisions of this section in an honest, independent and
42 impartial fashion and to upholding public confidence in the
43 integrity of the redistricting process. Within the three years
44 previous to appointment, members shall not have been appointed
45 to, elected to, or a candidate for any other public office,
46 including precinct committeeman or committeewoman but not

including school board member or officer, and shall not have served as an officer of a political party, or served as a registered paid lobbyist or as an officer of a candidate's campaign committee.

(4) The commission on appellate court appointments shall nominate candidates for appointment to the independent redistricting commission, except that, if a politically balanced commission exists whose members are nominated by the commission on appellate court appointments and whose regular duties relate to the elective process, the commission on appellate court appointments may delegate to such existing commission (hereinafter called the commission on appellate court appointments' designee) the duty of nominating members for the independent redistricting commission, and all other duties assigned to the commission on appellate court appointments in this section.

(5) By January 8 of years ending in one, the commission on appellate court appointments or its designee shall establish a pool of persons who are willing to serve on and are qualified for appointment to the independent redistricting commission. The pool of candidates shall consist of twenty-five nominees, with ten nominees from each of the two largest political parties in Arizona based on party registration, and five who are not registered with either of the two largest political parties in Arizona.

(6) Appointments to the independent redistricting commission shall be made in the order set forth below. No later than January 31 of years ending in one, the highest ranking officer elected by the Arizona house of representatives shall make one appointment to the independent redistricting commission from the pool of nominees, followed by one appointment from the pool made in turn by each of the following: the minority party leader of the Arizona house of representatives, the highest ranking officer elected by the Arizona senate, and the minority party leader of the Arizona senate. Each such official shall have a seven-day period in which to make an appointment. Any official who fails to make an appointment within the specified time period will forfeit the appointment privilege. In the event that there are two or more minority parties within the house or the senate, the leader of the largest minority party by statewide party registration shall make the appointment.

(7) Any vacancy in the above four independent redistricting commission positions remaining as of March 1 of a year ending in one shall be filled from the pool of nominees by the commission on appellate court appointments or its designee.

1 The appointing body shall strive for political balance and
2 fairness.

3 (8) At a meeting called by the secretary of state, the
4 four independent redistricting commission members shall select
5 by majority vote from the nomination pool a fifth member who
6 shall not be registered with any party already represented on
7 the independent redistricting commission and who shall serve as
8 chair. If the four commissioners fail to appoint a fifth member
9 within fifteen days, the commission on appellate court
10 appointments or its designee, striving for political balance and
11 fairness, shall appoint a fifth member from the nomination pool,
12 who shall serve as chair.

13 (9) The five commissioners shall then select by majority
14 vote one of their members to serve as vice-chair.

15 (10) After having been served written notice and provided
16 with an opportunity for a response, a member of the independent
17 redistricting commission may be removed by the governor, with
18 the concurrence of two-thirds of the senate, for substantial
19 neglect of duty, gross misconduct in office, or inability to
20 discharge the duties of office.

21 (11) If a commissioner or chair does not complete the
22 term of office for any reason, the commission on appellate court
23 appointments or its designee shall nominate a pool of three
24 candidates within the first thirty days after the vacancy
25 occurs. The nominees shall be of the same political party or
26 status as was the member who vacated the office at the time of
27 his or her appointment, and the appointment other than the chair
28 shall be made by the current holder of the office designated to
29 make the original appointment. The appointment of a new chair
30 shall be made by the remaining commissioners. If the
31 appointment of a replacement commissioner or chair is not made
32 within fourteen days following the presentation of the nominees,
33 the commission on appellate court appointments or its designee
34 shall make the appointment, striving for political balance and
35 fairness. The newly appointed commissioner shall serve out the
36 remainder of the original term.

37 (12) Three commissioners, including the chair or
38 vice-chair, constitute a quorum. Three or more affirmative
39 votes are required for any official action. Where a quorum is
40 present, the independent redistricting commission shall conduct
41 business in meetings open to the public, with ~~48~~ FORTY-EIGHT or
42 more hours public notice provided.

43 (13) A commissioner, during the commissioner's term of
44 office and for three years thereafter, shall be ineligible for
45 Arizona public office or for registration as a paid lobbyist.

(14) The independent redistricting commission shall establish congressional and legislative districts. The commencement of the mapping process for both the congressional and legislative districts shall be the creation of districts of equal population in a grid-like pattern across the state. Adjustments to the grid shall then be made as necessary to accommodate the goals as set forth below:

~~A.~~ (a) Districts shall comply with the United States Constitution and the United States voting rights act. ~~;~~

~~B.~~ (b) Congressional districts shall have equal population to the extent practicable, and state legislative districts shall have equal population to the extent practicable. ~~;~~

~~C.~~ (c) Districts shall be geographically compact and contiguous to the extent practicable. ~~;~~

~~D.~~ (d) District boundaries shall respect communities of interest to the extent practicable. ~~;~~

~~E.~~ (e) To the extent practicable, district lines shall use visible geographic features, city, town and county boundaries, ~~;~~ and undivided census tracts. ~~;~~

~~F.~~ (f) To the extent practicable, competitive districts should be favored where to do so would create no significant detriment to the other goals.

(15) Party registration and voting history data shall be excluded from the initial phase of the mapping process but may be used to test maps for compliance with the above goals. The places of residence of incumbents or candidates shall not be identified or considered.

(16) The independent redistricting commission shall advertise a draft map of congressional districts and a draft map of legislative districts to the public for comment, which comment shall be taken for at least thirty days. Either or both bodies of the legislature may act within this period to make recommendations to the independent redistricting commission by memorial or by minority report, which recommendations shall be considered by the independent redistricting commission. The independent redistricting commission shall then establish final district boundaries.

(17) The provisions regarding this section are self-executing. The independent redistricting commission shall certify to the secretary of state the establishment of congressional and legislative districts.

(18) Upon approval of this amendment, the department of administration or its successor shall make adequate office space available for the independent redistricting commission. The treasurer of the state shall make \$6,000,000 available for the

work of the independent redistricting commission pursuant to the year 2000 census. Unused monies shall be returned to the state's general fund. In years ending in eight or nine after the year 2001, the department of administration or its successor shall submit to the legislature a recommendation for an appropriation for adequate redistricting expenses and shall make available adequate office space for the operation of the independent redistricting commission. The legislature shall make the necessary appropriations by a majority vote.

(19) The independent redistricting commission, with fiscal oversight from the department of administration or its successor, shall have procurement and contracting authority and may hire staff and consultants for the purposes of this section, including legal representation.

(20) The independent redistricting commission shall have standing in legal actions regarding the redistricting plan and the adequacy of resources provided for the operation of the independent redistricting commission. The independent redistricting commission shall have sole authority to determine whether the Arizona attorney general or counsel hired or selected by the independent redistricting commission shall represent the people of Arizona in the legal defense of a redistricting plan.

(21) Members of the independent redistricting commission are eligible for reimbursement of expenses pursuant to law, and a member's residence is deemed to be the member's post of duty for purposes of reimbursement of expenses.

(22) Employees of the department of administration or its successor shall not influence or attempt to influence the district-mapping decisions of the independent redistricting commission.

(23) Each commissioner's duties established by this section expire upon the appointment of the first member of the next redistricting commission. The independent redistricting commission shall not meet or incur expenses after the redistricting plan is completed, except if litigation or any government approval of the plan is pending, or to revise districts if required by court decisions or if the number of congressional or legislative districts is changed.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.